

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

INNOMEMORY, LLC,
Plaintiff

v.

AUSTIN CAPITAL BANK SSB,
Defendant.

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1:22-CV-00831-ADA-DTG

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 21. The report recommends that Defendant's Motion (ECF No. 13) be GRANTED and Plaintiff's Motion (ECF No. 17) be DENIED. The report and recommendation was filed on August 10, 2023.

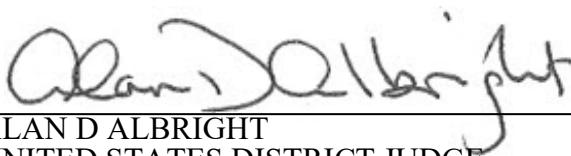
A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

When no objections are timely filed, a district court reviews the magistrate judge's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court has reviewed the report and recommendation and finds no clear error.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland (ECF No. 21) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant Austin Capital Bank's Motion to Dismiss for Failure to State a Claim (ECF No. 13) is **GRANTED** and Plaintiff's Motion for Dismissal Without Prejudice (ECF No. 17) is **DENIED**.

SIGNED this 22nd day of September, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE